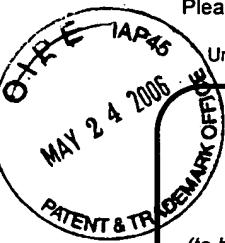


Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

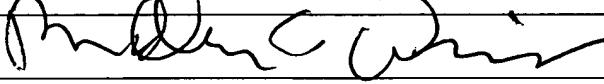
(to be used for all correspondence after initial filing)

Application Number	10/663,378
Filing Date	September 17, 2003
First Named Inventor	Steven A. Rogers
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	006389.00002

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	11 References Enclosed: (Cite Nos. 47 - 57) and ISR
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bradley C. Wright, Registration No. 38,061
Signature	
Date	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name		
Signature	Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Steven A. Rogers

Serial No.: 10/663,378

Filed: September 17, 2003

For: EMPERICAL SCHEDULING OF
NETWORK PACKETS

Group Art Unit: 2151

Examiner: TBA

Atty. Dkt. No. 006389.00002

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In accordance with 37 C.F.R. § 1.56 and 1.97, Applicant(s) provides the following for consideration by the Office during examination of the above-captioned application. This submission is not intended as an admission that any submitted document or reference constitutes prior art against the claims of the present application. Applicant(s) do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicant(s) hereby make the following statements, if checked:

- Enclosed is a PTO Form PTO/SB/08a listing art for consideration by the Examiner, and a copy of each of the identified documents is included if presently required by Office rules and regulations.
- Pursuant to 37 C.F.R. § 1.97 (b) (1), the undersigned states that the present information disclosure statement is being filed within three months of the filing date

of a national application other than a continued prosecution application under 37 C.F.R. § 1.53 (d).

- Pursuant to 37 C.F.R. § 1.97 (b) (2), the undersigned states that the present information disclosure statement is being filed within three months of the date of entry of a national stage as set forth in 37 C.F.R. § 1.491 in an international application.
- Pursuant to 37 C.F.R. § 1.97 (b) (3), the undersigned states that the present information disclosure statement is being filed before the mailing of a first Office action.
- Pursuant to 37 C.F.R. § 1.97 (b) (4), the undersigned states that the present information disclosure statement is being filed before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
- Pursuant to 37 C.F.R. § 1.97 (e) (1), the undersigned states that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- Pursuant to 37 C.F.R. § 1.97 (e) (2), the undersigned states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned, upon reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- Pursuant to 37 C.F.R. § 1.704 (d), the undersigned states that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and that the communication was not received by any individual designated in § 1.56 (c) more than thirty days prior to the filing of this information disclosure statement.
- It is believed no fee is required to make this a complete and timely filing. However, if a fee is required, please charge our Deposit Account No. 19-0733.

The undersigned hereby authorizes the Office to charge the fee pursuant to 37 C.F.R. § 1.17 (p) to our Deposit Account 19-0733.

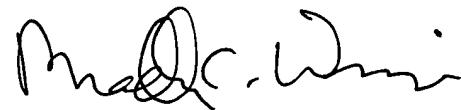
OTHER REMARKS: _____

Consideration of this information is respectfully requested, with citation thereto on the face of the issued patent as applicable.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: May 24, 2006

By:



Bradley C. Wright
Registration No. 38,061
1001 G. Street, N.W.
Washington, D.C. 20001-4597
(202) 824-3160

BCW/vav



Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number	10/663,378
Filing Date	September 17, 2003
First Named Inventor	Steven A. Rogers
Group Art Unit	Unknown
Examiner Name	Unknown

Attorney Docket Number

006389.00002

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Name of Patentee or Applicant of Cited Document	Publication Date	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US- 5,859,979	Tung et al	1/1999	
	2	US- 5,917,822	Lyles et al	6/1999	
	3	US-5,455,865	Perlman	10/1995	
	4	US- 6,272,131 B1	Ofek	8/2001	
	5	US-6,359,885 B1	Kim et al.	3/2002	
	6	US- 6,426,814 B1	Berger et al.	7/2002	
	7	US-6,502,135 B1	Munger et al.	12/2002	
	8	US-6,574,193 B1	Kinrot	6/2003	
	9	US- 6,628,629 B1	Jorgensen	9/2003	
	10	US- 6,633,544 B1	Rexford et al.	10/2003	
	11	US-2002/0080719 A1	Parkvall et al.	6/2002	
	12	US- 2002/0086641 A1	Howard	7/2002	
	13	US-2002/0110129 A1	Matsuoka et al.	8/2002	
	14	US- 2002/0191592 A1	Rogers et al.	12/2002	
	15	US- 2003/0058880 A1	Sarkinen et al.	3/2003	
	16	US- 2003/0067903 A1	Jorgensen	4/2003	
	17	US-2003/0219029 A1	Pickett	11/2003	
	18	US-2004/0160340	Thomson et al.	10/2004	
	19	US-2004/0008655	Park et al	01/2004	
	20	US-2003/0107991 A1	Tezuka et al.	6/2003	
	21	US-2002/0010792 A1	Border et al.	1/2002	
	22	US-4,745,593 A	Stewart	5/1998	
	23	US-4,821,259	DeBruler et al.	4/1999	
	24	US-5,271,000	Engbersen et al	12/1993	
	25	US-5,477,531 A	McKee et al	12/1995	
	26	US-5,541,921	Swenson et al.	7/1996	
	27	US-5,734,656	Prince et al.	3/1998	
	28	US-5,774,668	Choquier et al.	6/1998	
	29	US-5,859,835	Varma et al.	1/1999	
	30	US-5,974,056	Wilson et al.	10/1999	
	31	US-6,047,054	Bayless et al.	4/2000	
	32	US-6,058,117	Ennamorato et al.	5/2000	
	33	US-6088361	Hughes et al.	7/2000	
	34	US-6,208,666	Lawrence et al.	3/2001	
	35	US-6,240,084 B1	Oran et al.	5/2001	
	36	US-6,247,061	Douceur et al.	6/2001	
	37	US-6,377,579 B1	Ofek	4/2002	
	38	US-6,385,198 B1	Ofek et al.	5/2002	
	39	US-6,560,222 B1	Pounds et al.	5/2003	
	40	US-6,711,137 B1	Klassen et al	3/2004	
	41	US-6,731,600 B1	Patel et al	5/2004	
	42	US-6,778,536 B1	Ofek et al	8/2004	
	43	US-2003/0188188 A1	Padmanabhan et al	10/2003	
	44	US-2004/0179530 A1	Verbesselt et al	9/2004	
	45	US-2004/0014491 A1	Weigand	1/2004	
	46	US-2002/0054611 A1	Seta	9/2002	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	10/663,378
		Filing Date	September 17, 2003
		First Named Inventor	Steven A. Rogers
		Group Art Unit	Unknown
		Examiner Name	Unknown
Sheet	2	of	2
		Attorney Docket Number	
		006389.00004	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	47	WO 00/28705	05/18/2000	Odyssia Systems, Inc.		
	48	WO 00/28706	05/18/2000	Odyssia Systems, Inc.		
	49	WO 02/41505 A2	05/23/2002	Broadcom Corporation		
	50	WO 03/084137 A2	10/09/2003	Shay et al		
	51	JP 2004-056322 A	02/19/2004	Hirayama		
	52	EP 0827307 A2	03/04/1998	Marin et al		

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

OTHER PRIOR ART - NON-PATENT REFERENCED DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	53	Self-Adjusted Network Transmission for Multimedia Data; Mei-Ling Shyu, Shu-Ching Chen, Hongli Luo; Abstract; 6 pages;		
	54	The Problem of Upstream Traffic Synchronization in Passive Optical Networks; Glen Kramer; Abstract pp 1-7;		
	55	Distributed Path Reservation Algorithms for Multiplexed all-Optical Interconnection Networks; X, Yuan, R. Melhem and R. Gupta; Abstract; 10 Pages.		
	56	The Desk Area Network; Mark Hayter and Derek McAuley; 5/1991; Abstract pp 11		
	57	Clark, M; Jeffay, K; Application – level Measurements of Performance on the vBNS Multimedia Computing and Systems; 1999; IEEE International Conference on June 1999, Vol. 2, 7-11, pp. 362-366 vol. 2		

Examiner Signature		Date Considered	
-------------------------------	--	----------------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.